

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

TAVARES JOY,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 16-1073-JDT-cgc
	)	
PATRICK ROGERS, ET AL.,	)	
	)	
Defendants.	)	

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ORDER DIRECTING PLAINTIFF TO FILE  
A NON-PRISONER *IN FORMA PAUPERIS* AFFIDAVIT  
OR PAY THE REMAINING PORTION OF THE \$350 CIVIL FILING FEE

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Plaintiff Tavares Joy filed this *pro se* complaint while he was incarcerated at the Northeast Correctional Complex in Mountain City, Tennessee. (ECF No. 1.) The Court issued an order on April 13, 2016, granting leave to proceed *in forma pauperis* and assessing the \$350 civil filing fee pursuant to the installment provisions of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915(a)-(b). (ECF No. 3.) On August 11, 2017, Plaintiff notified the Court that he had been released. (ECF No. 6.) However, not all of the \$350 filing fee was paid prior to Plaintiff's release.

If Plaintiff wishes to proceed with this case he must first either pay the entire unpaid portion of the filing fee or submit a non-prisoner *in forma pauperis* affidavit showing that he is still indigent.<sup>1</sup> See *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013) (“[T]he obligation to pay

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<sup>1</sup> A non-prisoner affidavit requires more detailed financial information than a prisoner affidavit.

the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.”).

The Court’s records show that only \$69.98 was paid toward the \$350 filing fee before Plaintiff was released. Therefore, it is ORDERED that Plaintiff shall, within twenty-one (21) days after the date of this order, either submit a properly completed and executed non-prisoner *in forma pauperis* affidavit or pay the entire remaining \$280.02 of the civil filing fee. The Clerk is directed to mail Plaintiff a copy of the non-prisoner *in forma pauperis* affidavit along with this order.

Failure to comply with this order in a timely manner will result in dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.  
IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE